

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MI22-1098

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Signature _____

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Application Number

09/212,726

Filed

December 15, 1998

First Named Inventor

Klaus F. Schuegraf

Art Unit

2813

Examiner

Rodgers, Colleen E.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/95)

☒

attorney or agent of record.

Registration number 48,711☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

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April 5, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/212,726
Filing Date December 15, 1998
Inventor Klaus F. Schuegraf
Assignee Micron Technology, Inc.
Group Art Unit 2813
Examiner Rodgers, Colleen E.
Attorney's Docket No.MI22-1098
Title: Semiconductor Processing Methods of Chemical Vapor Depositing SiO₂ on a
Substrate

PRE-APPEAL BRIEF

Applicant requests review of the rejection of claims 60-62, 64 and 66 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The office contends that applicant's specification fails to provide support for claim 60's limitation of providing O₂ into the reactor without passing through an ozone generator. Applicant notes that such limitation was removed by amendment in applicant's response filed October 10, 2006 and that such is no longer a recited limitation in claim 60. Accordingly, the § 112, first paragraph, rejection of claim 60 and its dependent claims is in error. Referring to page 5 of applicant's response filed October 10, 2006 such indicates that the recited phrase "without passing through an ozone generator" was deleted and previous language "without feeding ozone into the reactor" was reinstated (previously added by amendment) to be presented in the event of appeal. For the reasons explained therein, it is believed that one of ordinary skill in the art would clearly recognize from applicant's specification that ozone is not being fed into the reactor during applicant's disclosed process. Claim 60 therefore meets the requirements of § 112, first paragraph, and complies with the written description requirement.

Applicant also requests review of the rejection of claims 60-62, 64 and 66 under 35 U.S.C. § 103(a) as being unpatentable over Nguyen (U.S. Patent No. 5,356,722) as combined with Ikeda (U.S. Patent No. 5,593,741) and considered with Wolf, et al. Silicon Processing for the VLSI Era, Vol. 1, Process Technology, (1986) pp. 166-167. As discussed at page 7 of applicant's response filed October 10, 2006, each of Ikeda and Nguyen disclose methods of utilization of ozone during deposition. Neither Ikeda nor Nguyen or a combination of the two references disclose or suggest the claim 60 recited deposition without feeding ozone into the reactor. The present action indicates that the element of 'without feeding ozone into the reactor' has been read out of the claims. Such is based upon the § 112 rejection. Applicant notes however that the § 112 rejection is erroneous and is based upon former claim language. Additionally as indicated above one of ordinary skill in the art would be apprised that applicant's methodology included methodology without feeding ozone into the reactor.

As further described in applicant's response dated October 10, 2006, at page 7, since both Ikeda and Nguyen disclose methods utilizing ozone during deposition the parameters disclosed therein do not teach or suggest the claim 60 recited parameters for depositing without feeding ozone into the reactor. Wolf is indicated as being relied upon as disclosing reactor aspects and does not contribute toward suggesting the recited deposition conditions or absence of ozone.

As set forth at page 7, paragraph 2 of the response filed October 10, 2006 the combination of Nguyen and Ikeda fail to provide a reasonable expectation of success for the recited deposition of SiO₂ without feeding ozone into the reactor utilizing the recited set of parameters. The Examiner further maintains an indication of overlapping ranges

between the prior art and the present claims. However, as set forth at page 8 of applicant's previous response, no guidance or suggestion is provided as to parameters to be utilized in an absence of ozone other than those set forth in applicant's own specification.

Since the Examiner's maintained rejections of claims 60-62, 64 and 66 are believed to be clearly erroneous and based upon improper reading of applicant's claims and reading out of limitations, review of such maintained rejections is respectfully requested.

Respectfully submitted,

Dated: April 5, 2007

By: Jennifer J. Taylor
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